

DRAFT
A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD NOVEMBER 9, 2006 AT 11:00 A.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Harry F. Atherton, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County Attorney

A B S E N T Mr. Raymond E. Graham, Chairman

AGENDA REVIEW

The Board of Supervisors reviewed the agenda. Mr. Atherton stated that Mr. Graham will be unavoidably absent from the Board meeting.

A WORK SESSION TO CONTINUE DISCUSSION ON THE BUSINESS, PROFESSIONAL AND OCCUPATION LICENSE TAX AND CONSIDER ADDING TO BOARD OF SUPERVISORS LEGISLATIVE PRIORITIES

Ross D'Urso, Commissioner of the Revenue, updated the Board on proposed changes to the Business, Professional and Occupation License tax structure.

A WORK SESSION TO DISCUSS THE ELIMINATION OF THE COUNTY DECAL AND CHANGE OF THE DECAL FEE TO A VEHICLE REGISTRATION FEE

Elizabeth Ledgerton, Treasurer, and Ross D'Urso, Commissioner of the Revenue, discussed the benefits, immediate savings and revenue shortfall to various options of eliminating the County automobile decal.

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS UPDATE

Darryl Shifflett, Residency Program Manager of the VDOT Warrenton Residency Office, briefed the Board of Supervisors on the status of specific projects within Board members' Magisterial Districts, and the possible closing of some VDOT facilities.

CLOSED SESSION

Mr. Atherton moved to go into a closed meeting, pursuant to §2.2-3711(A)(7) of the Code of Virginia, to discuss specific legal matters requiring the advice of legal counsel relating to the Fire and Rescue Association agreement. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

Upon reconvening from the closed meeting, Mr. Atherton moved, without objection, to adopt the following certification.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 9th day of November 2006, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

WORK SESSION TO REVIEW NEW BALTIMORE SERVICE DISTRICT PLAN

Frederick P.D. Carr, Director of Community Development, briefed the Board on a proposed text amendment to Chapter Six – Service Districts of the Fauquier County Comprehensive Plan. The proposed amendment focuses on the New Baltimore Service District Plan and includes proposed changes to land use designations for business categories only, service district boundaries for the limits of public sewer and water service, and recommendations regarding the transportation network and access.

The meeting was reconvened in Regular Session at 6:30 p.m.

INVOCATION

Mr. Robison offered the invocation.

PLEDGE OF ALLEGIANCE

Bob Sinclair led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Robison moved to adopt the agenda. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>Mr. Raymond E. Graham</i>
Abstention:	<i>None</i>

CITIZENS' TIME

- Lee Smith, Cedar Run District, encouraged the Affordable Housing Committee to establish incremental short-term goals, and to implement a regular reporting system to the Board of Supervisors.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Atherton presented to Mr. John P. Schied, Mr. Harry E. McConnell, Ms. Ida James Light, and Ms. Gladys R. Frazier, a Proclamation to Recognize the Board of Equalization for Their Outstanding Contributions to the Citizens of Fauquier County.
- Mr. Downey presented to Mr. Bob Sinclair and Mr. Carl Bailey, a Proclamation in Honor of the Twentieth Anniversary of the Fauquier County Schools and Parks and Recreation Cooperative Agreement.
- Mr. Robison presented to Mr. John Mayhugh a Proclamation to Recognize John W. Mayhugh for Outstanding Service to the Citizens of Fauquier County for Ten Years of Assistance with the Agricultural Development Advisory Committee.
- Mr. Downey announced a Proclamation to Recognize Thomas Foster for His Service to the Students of C. Hunter Ritchie Elementary School and the Citizens of Fauquier County upon the Occasion of His Retirement.

CONSENT AGENDA

Mr. Robison moved to adopt the following consent agenda items. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>Mr. Raymond E. Graham</i>
Abstention:	<i>None</i>

Approval of the Minutes for the October 12, 2006 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution Delegating to the County Administrator the Authority to Establish Cash Drawers

RESOLUTION

A RESOLUTION DELEGATING TO THE COUNTY ADMINISTRATOR THE
AUTHORITY TO ESTABLISH CASH DRAWERS

WHEREAS, under current procedure, the Fauquier County Board of Supervisors approves the establishment of cash drawers; and

WHEREAS, a number of County departments, including Fauquier County Parks and Recreation and the Fauquier County Department of Environmental Services, require the use of cash drawers; and

WHEREAS, it is the desire of the Fauquier County Board of Supervisors to delegate the authority to establish cash drawers to the County Administrator; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the authority to establish cash drawers be, and is hereby, delegated to the County Administrator.

A Resolution to Appoint Members to the Affordable Housing Committee

RESOLUTION

A RESOLUTION TO APPOINT MEMBERS TO THE AFFORDABLE HOUSING
COMMITTEE

WHEREAS, the Fauquier County Board of Supervisors recognizes the lack of and need for affordable housing for citizens and employees of the County; and

WHEREAS, the Fauquier County Board of Supervisors approved an Affordable Housing contingency reserve budget in the amount of \$289,000 in the Fiscal Year 2007 Budget; and

WHEREAS, on September 14, 2006, the Fauquier County Board of Supervisors, received and reviewed a report with recommendations from the Affordable Housing Task Force; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the following individuals be, and are hereby, appointed to the Affordable Housing Committee:

- Tyronne Champion, Community Touch
- Jack Flikeid, Fauquier Habitat for Humanity
- Michelene Hostetter, Fauquier Housing Corporation
- Ed Childress, Fauquier Family Shelter
- Chris Mothersead, Town of Warrenton
- Mickey Rhoades, Town of Warrenton
- Anthony I. Hooper, Deputy County Administrator
- Jan Selbo, Director, Department of Social Services
- Elizabeth Cook, Department of Community Development

; and

RESOLVED FURTHER, That the terms of these individuals are effective this date, and shall continue until December 31, 2007; and

RESOLVED FINALLY, That the Affordable Housing Committee shall be charged with reviewing and prioritizing the recommendations set forth in the Affordable Housing Task Force Report, and developing implementation plans, including financial projections, for consideration by the Board of Supervisors.

A Resolution to Approve an Increase in Fees for T-Hangars, Tie-Downs, and Condos at the Warrenton-Fauquier Airport

RESOLUTION

A RESOLUTION TO APPROVE AN INCREASE IN FEES FOR T-HANGARS, TIE-DOWNS, AND CONDOS AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the Airport Committee has recommended that the fees for T-hangars, Tie-downs, and Condo units be increased as indicated below:

Type of Unit/Space	Current Rate	Recommended Rate
T-Hangar Middle Units	\$ 239.00	\$ 251.00
T-Hangar End Units	\$ 281.00	\$ 295.00
Tie-Downs	\$ 68.00	\$ 72.00
Condos	\$ 68.00	\$ 72.00

; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the recommended rates be, and are hereby, adopted and shall become effective February 1, 2007.

A Resolution to Initiate a Text Amendment to the Private Street Requirements of the Zoning Ordinance

RESOLUTION

A RESOLUTION TO INITIATE A TEXT AMENDMENT TO THE PRIVATE STREET REQUIREMENTS OF THE ZONING ORDINANCE

WHEREAS, the Board of Supervisors has determined that it is appropriate to initiate consideration of a text amendment to Section 7-302 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Board of Supervisors has determined that the proposed amendment to Section 7-302 is consistent with the general welfare of the community and good zoning practices; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the proposed amendment to Section 7-302 be, and is hereby, forwarded to the Fauquier County Planning Commission for its recommendation.

A Resolution to the Virginia Board of Historic Resources and the National Park Service Supporting the Inclusion of Paris on the Virginia Landmarks and National Registers

RESOLUTION

A RESOLUTION TO THE VIRGINIA BOARD OF HISTORIC RESOURCES AND THE NATIONAL PARK SERVICE SUPPORTING THE INCLUSION OF PARIS ON THE VIRGINIA LANDMARKS AND NATIONAL REGISTERS

WHEREAS, Paris was established by the Virginia General Assembly in 1810; and

WHEREAS, the land on which Paris is located was originally part of Thomas Lord Fairfax's Leeds manor, and in 1786 was deeded to Peter Glascock, with settlement occurring in the late eighteenth century; and

WHEREAS, a post office was established in the community in 1800, making it the second oldest established post office in Fauquier County; and

WHEREAS, 34 properties with 52 contributing dwellings, churches, commercial buildings, a former school, and outbuildings in the compact 32 acre Paris Historic District illustrate the community's development over a period of 196 years; and

WHEREAS, more than half of the buildings in the district date to the period from circa 1810 to 1850, in addition to a cemetery; and

WHEREAS, Paris is located at the northern end of the Crooked Run Valley Rural Historic District, which was listed on both the Virginia Landmarks Register and the National Register of Historic Places in 2004; and

WHEREAS, the architectural resources in Paris portray it as it would have appeared in the 1800s, before it was bypassed by the routing of the Manassas Gap Railroad to the south in 1852; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the Board hereby supports and encourages the Virginia Board of Historic Resources to include the Paris Historic District, located in the Marshall Magisterial District, in the Virginia Landmarks Register; and, be it

RESOLVED FURTHER, That the Virginia Board of Historic Resources recommend to the National Park Service, due to the established and unique history and National significance of Paris, that this community be enrolled in the National Register of Historic Places.

A Resolution to the Virginia Board of Historic Resources and the National Park Service Supporting the Inclusion of Marshall on the Virginia Landmarks and National Registers

RESOLUTION

A RESOLUTION TO THE VIRGINIA BOARD OF HISTORIC RESOURCES AND THE
NATIONAL PARK SERVICE SUPPORTING THE INCLUSION OF MARSHALL ON THE
VIRGINIA LANDMARKS AND NATIONAL REGISTERS

WHEREAS, Marshall, originally known as Salem, in Fauquier County with the original town laid out in 1797 with 52 lots; and

WHEREAS, 139 properties with 217 contributing dwellings, churches, commercial buildings and outbuildings in the 99 acre Marshall Historic District illustrate the community's development over a period of more than two hundred years; and

WHEREAS, the community still retains visual cohesiveness and an identity through a well preserved collection of historic buildings with a wide range of building types and architectural styles dating from the end of the 18th century; and

WHEREAS, this primarily linear district encompasses properties that are historically and visually associated with the community's growth and development as a crossroads in the late 1700s and a railroad and commercial center in the mid and late 1800s, including the historically significant African-American neighborhood of Rosstown, which was developed on the eastern edge of Marshall; and

WHEREAS, the Marshall Historic District is a well preserved collection of historic buildings with a great deal of integrity, over 90% of the resources are categorized as "historic", with an intact visual streetscape; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the Board hereby supports and encourages the Virginia Board of Historic Resources to include the Marshall Historic District, located in the Marshall Magisterial District, in the Virginia Landmarks Register; and, be it

RESOLVED FURTHER, That the Virginia Board of Historic Resources recommend to the National Park Service, due to the established and unique history and National significance of Marshall, that this community be enrolled in the National Register of Historic Places.

Preliminary Plat PPLT06-MA-020: O'Bannon Farm, Marshall District

No action was taken.

Preliminary Plat PPLT03-S-28: Misty Run Estates, Phase 3, Scott District

No action was taken.

Preliminary Plat PPLT06-LE-025: Craig Subdivision, Lee District

No action was taken.

A Resolution to Transfer \$495,000 from the Northern Swimming Pool Project to the Northern Sports Complex Project

RESOLUTION

A RESOLUTION TO TRANSFER \$495,000 FROM THE NORTHERN SWIMMING POOL PROJECT TO THE NORTHERN SPORTS COMPLEX PROJECT

WHEREAS, County Policy requires any transfer of funds between Capital Fund projects to have the approval of the Board of Supervisors; and

WHEREAS, County staff has requested transfer of \$495,000 from the Northern Swimming Pool Project to the Northern Sports Complex Project to support additional costs; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That \$495,000 be, and is hereby, approved for transfer from the Northern Swimming Pool Project #4-302-71320-8516 to the Northern Sports Complex Project #4-302-71140-3160.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Elimination of the County Decal and Change the Decal Fee to a Vehicle Registration Fee and Establish an Alternative Personal Property Filing Process as Permitted by State Law

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE
A PUBLIC HEARING TO CONSIDER ELIMINATION OF THE COUNTY DECAL,
CHANGE THE DECAL FEE TO A VEHICLE REGISTRATION FEE AND
ESTABLISH AN ALTERNATIVE PERSONAL PROPERTY FILING PROCESS AS
PERMITTED BY STATE LAW

WHEREAS, the Board of Supervisors of Fauquier County adopted an Ordinance pursuant to Titles 46.2 and 58.1 of the Code of Virginia, 1950, for the administration of County Vehicle License under Chapter 13, Article IV, sections 13-51 et.seq, and the filing of personal property returns under Chapter 8, Article I, section 8-1 of the Code of Fauquier respectively; and

WHEREAS, Title 46.2-752 (G) provides that the county is not required to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's ordinance does not require display of a decal or other evidence of payment; and

WHEREAS, Title 58.1-3518.1 permits an alternative Personal Property filing process that removes the requirement for annual reporting of motor vehicle and trailers if there has been no change in situs or status since the last filing; and

WHEREAS, the local governing body may adopt a local ordinance to accommodate the enabling legislation; and

WHEREAS, these amendments to the county ordinance are intended to be implemented in the 2007 calendar year; and

WHEREAS, these changes are for the benefit of the citizens of Fauquier County; and

WHEREAS, a public hearing is required to be held prior to an amendment of the local ordinance; now, therefore, be it

RESOLVED, by the Board of Supervisors of Fauquier County this 9th day of November 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comment on the attached proposed ordinance amendments to Chapter 13, Article IV, sections 13-51 et.seq, and Chapter 8, Article I, section 8-1 of the Code of Fauquier County.

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Industrial Development Authority – Lee District: Dan Frazier, appointed for a three-year term that expires November 9, 2009.
- Industrial Development Authority – Center District: Jim Koehr, reappointed for a three-year term that expires November 9, 2009.
- Disability Services Board – Local Government/Business: Tom Harris, to fill an unexpired vacancy that ends December 9, 2007.

A RESOLUTION TO AUTHORIZE THE PURCHASE OF EQUIPMENT FOR THE OPERATION OF THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE THE PURCHASE OF EQUIPMENT FOR THE OPERATION OF THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

WHEREAS, the Board of Supervisors has previously authorized the establishment of a recycling center to process construction and demolition debris; and

WHEREAS, on October 23, 2006, multiple bids were received for the purchase of a roll-off truck required to operate the facility; and

WHEREAS, roll-off containers are included under annual contract; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the County Administrator be, and is hereby, authorized to execute contracts for the lease-purchase from Cavalier Equipment of a roll-off truck in the amount of \$123,990.00, and from Mid-Atlantic Waste fifteen roll-off containers in the amount of \$91,000, as generally set forth in the proposed lease-purchase agreement to be considered hereafter.

A RESOLUTION PROVIDING FOR THE PURCHASE OF ENVIRONMENTAL SERVICES EQUIPMENT AND IMPROVEMENTS THROUGH LEASE PURCHASE FINANCING FOR FAUQUIER COUNTY, VIRGINIA, IN THE MAXIMUM AMOUNT OF \$1,490,000, APPROVING THE FORM OF LEASE AGREEMENT PREPARED IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE SAME

Mr. Atherton moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

RESOLUTION

A RESOLUTION PROVIDING FOR THE PURCHASE OF ENVIRONMENTAL SERVICES EQUIPMENT AND IMPROVEMENTS THROUGH LEASE PURCHASE FINANCING FOR FAUQUIER COUNTY, VIRGINIA, IN THE MAXIMUM AMOUNT OF \$1,490,000, APPROVING THE FORM OF LEASE AGREEMENT PREPARED IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE SAME

WHEREAS, the Board of Supervisors (the "Board") of Fauquier County, Virginia (the "County"), desires to provide for a plan of lease purchase financing of environmental services equipment and improvements for the County for the Corral Farm Landfill/Recycling operations in the maximum amount of \$1,490,000 (the "Equipment"); and

WHEREAS, the County's administration has solicited proposals from commercial leasing entities to provide financing in connection with the Equipment; and

WHEREAS, the County's administration recommends to the Board that it is in the County's best interest to accept the proposal of CitiMortgage, Inc., dated October 11, 2006 (the "Proposal"), attached hereto as Exhibit A; and

WHEREAS, there have been presented to this meeting a draft of the Master State and Municipal Lease/Purchase Agreement between CitiMortgage, Inc. and the County (the "Lease Agreement") for the lease purchase of the Equipment; and

WHEREAS, plans for the acquisition of the Equipment have advanced, and the County expects to advance its own funds to pay expenditures related to the Equipment (the "Expenditures") prior to entering into the Lease Agreement and to receive reimbursement for such Expenditures from proceeds of the Lease Agreement; now, therefore, be it

RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA, THIS 9TH DAY OF NOVEMBER 2006, THAT:

1. The Lease Agreement shall be in substantially the form presented to this meeting, which is approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Administrator, his execution or distribution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. The County Administrator is hereby authorized and directed to enter into the Lease Agreement on mutually agreeable terms and in accordance with the terms of this Resolution.

2. In completing the Lease Agreement, the County Administrator shall provide that the Rental Payments (as defined in the Lease Agreement) shall not exceed the maximum principal amount of \$1,490,000, shall bear interest payable at an actual rate of interest not to exceed 3.85% per year, shall terminate no later than November 30, 2011, and shall be subject to prepayment, all as provided in the Lease Agreement.

3. The County Administrator is authorized and directed to execute the Lease Agreement. The officers of the County are authorized and directed to execute and deliver all certificates and

instruments and to take all actions necessary or desirable in connection with the execution and delivery of the Lease Agreement.

4. The obligations of the County under the Lease Agreement shall be limited obligations payable solely from funds to be appropriated by the Board for such purpose and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or the taxing power of the County beyond any fiscal year for which the County has appropriated funds for such purpose.

5. The County shall grant a security interest in the Equipment acquired with proceeds of the Lease Agreement as security for the prompt payment when due of amounts payable and the performance by the County of its other obligations under the Lease Agreement.

6. The Board determines that the continuing acquisition of equipment or improvements and the financing of the same through the Lease Agreement are essential to the proper and efficient operation of the County and will continue to be essential to the proper and efficient operation of the County through the fiscal year ending June 30, 2012.

7. The County believes that funds sufficient to make payment of all amounts payable under the Lease Agreement can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future boards do likewise during the term of the Lease Agreement. The Board directs the County Administrator, or such other officer as may be charged with the responsibility for preparing the County's annual budget, to include in the budget for each fiscal year during the term of the Lease Agreement an amount sufficient to make all Rental Payments payable under the Lease Agreement during such fiscal year. The County Administrator is authorized and directed to deliver to CitiMortgage, Inc. within ten days after the adoption of the budget for each fiscal year, but not later than ten days after the beginning of the fiscal year, a certificate stating whether an amount equal to the estimated amounts payable under the Lease Agreement during such fiscal year has been appropriated by the Board in any such budget.

8. The County covenants that it will not take or omit to take any action the taking or omission of which will cause the Lease Agreement to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations issued pursuant thereto, or otherwise cause interest on the proceeds under the Lease Agreement to be includable in the gross income of the registered owner thereof under current statutes. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds under the Lease Agreement, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the proceeds under the Lease Agreement from being includable in the gross income for federal income tax purposes of the registered owner thereof under existing law.

9. The County covenants that during the term of the Lease Agreement it will not use or permit the use of any portion of the Equipment other than for the purpose of performing one or

more governmental or proprietary functions of the County consistent with the scope of the County's authority and will not use or permit the use of any portion of the Equipment in a trade or business of any person or entity other than the County.

10. The County covenants as follows:

(a) The County intends that the proceeds of the Lease Agreement be used to reimburse the County for Expenditures with respect to the Equipment made on or after the date that is no more than 60 days prior to the date of this Resolution. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Lease Agreement or other debt;

(b) Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Lease Agreement, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County;

(c) The County intends to make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Lease Agreement to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Equipment is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years; and

(d) The County intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Code.

11. All other actions of the County in conformity with the purposes and intent of this Resolution and in furtherance of entering into the Lease Agreement are approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with entering into the Lease Agreement.

12. All resolutions or parts of resolutions in conflict herewith are repealed.

13. This Resolution shall take effect immediately.

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF THE DEDICATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FROM THE DONALD R. THARPE TRUST

Mr. Stribling moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *Mr. Raymond E. Graham*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF THE DEDICATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FROM THE DONALD R. THARPE TRUST

WHEREAS, Donald R. Tharpe Trust has proposed to dedicate easements, covenants and restrictions and a reservation of future right-of-way along the borders of his property; and

WHEREAS, the Board of Supervisors has determined that the proposed dedication and reservation is appropriate and in the public interest; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to take all necessary steps and execute such documents as are required to accept the proposed dedication and reservations.

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF ROBERT J. NORTON, JR.

Mr. Downey moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *Mr. Raymond E. Graham*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF ROBERT J. NORTON, JR.

WHEREAS, Robert J. Norton, Jr. has proposed to donate a conservation easement over his property described as PIN #7000-77-2792; and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate and in the public interest; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will advance the goals of the Fauquier County Comprehensive Plan in that the easement will preserve scenic vistas along Hopewell Road and protect the headwaters of Mill Run; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

WAIVER OF ZONING ORDINANCE SECTIONS 7-302.1.B AND 7-302.1.C TO ALLOW A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED STREET AND TO REDUCE THE REQUIRED 50-FOOT WIDTH, LEE DISTRICT

Mr. Stribling moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE A WAIVER ALLOWING A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED STREET AND TO DENY A WAIVER FOR A PRIVATE STREET THAT IS LESS THAN FIFTY FEET IN WIDTH, LEE DISTRICT

WHEREAS, Joseph Romano and Nancy J. Perkins, owners, are seeking a waiver of Zoning Ordinance Sections 7-302.1.B and 7-302.1.C to allow a subdivision on a private street that does not connect directly to a State maintained street and a private street that is less than fifty feet in width; and

WHEREAS, the applicants wish to create one (1) new family lot from their 2.23-acre parcel identified as PIN 7816-61-1837-000, with access via a 30-foot easement that connects to Stribling Drive, a private street; and

WHEREAS, Stribling Drive is an existing private street that connects directly to Marsh Road (Route 17), a State maintained street; and

WHEREAS, on October 26, 2006, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver of Section 7-302.1.B and denial of the proposed Zoning Ordinance waiver of Section 7-302.1.C; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That Zoning Ordinance Sections 7-302.1.B be, and is hereby, waived to permit Joseph Romano and Nancy J. Perkins to have a family transfer lot served by a private street that does not connect directly to a State maintained street; and, be it

FURTHER RESOLVED, That a waiver of Zoning Ordinance Section 7-302.1.C for Romano and Nancy J. Perkins to create one (1) family lot on the above referenced parcel on a private street that is less than Joseph Romano and Nancy J. P fifty feet in width be, and is hereby, denied.

SUPERVISORS' TIME

- Mr. Downey stated that an issue relating to a capital budget transfer is coming forward from the Finance Committee to allow for discussion by the full Board of Supervisors about unexpended capital funds in various locations countywide. Mr. Downey encouraged Board members to consider establishing a policy of returning unexpended funds back into a larger capital account for future projects. Mr. Downey also asked Board members and citizens to express condolences to the Superintendent of Schools, Dr. David Martin, for the loss of his mother.
- Mr. Robison announced that on November 18-19, 2006, there is a living Civil War encampment that is open to the public and free of charge, and that additional information may be obtained from the website. Mr. Robison also wished everyone a healthy, happy and enjoyable Thanksgiving holiday.
- Mr. Stribling announced that on December 2, 2006, from 8:00 AM until 10:00 AM, volunteers will be serving breakfast at Applebee's Restaurant as a fundraiser for the Bright Stars educational program. He stated that tickets are \$5 apiece, wait staff will also be donating their tips, and everyone is invited.
- Mr. Atherton stated that earlier in the day, Board members held a work session to discuss the process for elimination of the County decals for automobiles, and that a public hearing will be scheduled next month for citizen comment on this subject.

ANNOUNCEMENTS

- Mr. McCulla announced that Friday, November 10, 2006, is a Federal holiday in observance of Veteran's Day and County offices will be closed.
- Mr. McCulla announced that the Board of Supervisors will reconvene to attend the annual meeting of the Virginia Association of Counties (VACo) in Bath County, Virginia, on November 12-14, 2006.
- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held at 6:30 PM on Thursday, December 14, 2006, in the Warren Green meeting room, located at 10 Hotel Street, in Warrenton, Virginia.

A RESOLUTION TO AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$8,975,285

A public hearing was held to consider various budget related issues in the amount of \$8,948,036 in appropriations, and \$27,249 in transfers for FY 2007. Bryan Tippie, Budget Director, summarized the proposed budget amendments. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$8,975,285

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 30, 2006, adopted the Fauquier County FY 2007 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its October meeting the Finance Committee has recommended for FY 2007 budget adjustments of \$8,975,285 for the purposes set forth below; and

WHEREAS, on November 9, 2006, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the FY 2007 Budget be, and is hereby, amended in the amount of \$8,975,285 as follows:

<i>Source</i>	FROM Code	Amount	Department	TO Code	<i>Amount</i>
<u>FY 2007</u>					
Warrenton- Fauquier Joint Communications Center (WFJCC) Fund FY 2006 Carryover	3-220-419000-0010	\$59,898	WFJCC	4-220-031410-3160 4-220-031410-6047 4-220-031410-6007 4-220-031410-9999	\$16,423 \$31,175 \$2,300 \$10,000
WFJCC Fund FY 2006 Carryover	3-220-419000-0010	\$9,850	WFJCC	4-220-031410-3160	\$9,850
FY 2006 Carryover	3-100-419000-0010	\$18,000	County Administration/Wate r Resource Management	4-100-012111-3160	\$18,000
FY 2006 Carryover	3-100-419000-0010	\$35,000	Fire & Emergency Services (F&ES)	4-100-032420-8207	\$35,000
FY 2006 Carryover	3-100-419000-0010	\$20,828	Parks & Recreation (P&R)	4-100-071130-3160	\$20,828
FY 2006 Carryover	3-100-419000-0010	\$13,213	P&R	4-100-071130-6047 4-100-071120-8201 4-100-071140-6047 4-100-071120-6047	\$935 \$7,120 \$1,335 \$3,823
FY 2006 Carryover	3-100-419000-0010	\$31,500	P&R	4-100-071140-3160 4-100-071140-8201	\$1,500 \$30,000
FY 2006 Carryover	3-100-419000-0010	\$141,354	P&R	4-100-071170-3160 4-100-071170-8102	\$132,024 \$9,330
FY 2006 Carryover	3-100-419000-0010	\$7,169	Sheriff's Office	4-100-031240-8201 4-100-031230-8201	\$1,989 \$5,180
State Funds	3-100-241000-0050	\$24,667	Social Services	4-100-053162-5722	\$24,667
Federal Funds	3-100-335000-0010	\$4,053	Social Services	4-100-053130-5716	\$4,053
Textbook Fund Balance	3-206-419000-0010	\$57,439	School Division	4-206-61100-6020- 999	\$57,439
Federal Funds	3-205-332000-0029	\$31,415	School Division	4-205-61108-6013- 200-190	\$31,415
FY 2006 Carryover	3-100-419000-0010	\$49,451	General Services (Comp. Maint.)	4-100-043414-6007	\$49,451
Armory Carryover	3-100-419000-0010	\$48,617	General Services (Courthouse Maint.)	4-100-043417-3310 4-100-043417-6007 4-100-043417-6047	\$36,397 \$6,220 \$3,000

				4-100-043417-8203	\$3,000
FY 2006 Carryover	3-100-419000-0010	\$21,367	General Services (Armory)	4-100-043450-6047 4-100-043450-8101	\$3,367 \$18,000
Fire & Rescue Association (F&RA) Fund FY 2006 Carryover	3-270-419000-0010	\$52,962	F&RA	4-270-032260-6009	\$52,962
Conservation Easement Service District (CESD) Fund FY 2006 Carryover	3-240-419000-0010	\$2,203,429	Agricultural Development / CESD (Purchase Development Rights)	4-240-081800-6099	\$2,203,429
Environmental Services Fund Balance	3-513-419000-0020	\$1,615,240	Environmental Services ¹	Incorporated herein by reference*	Incorporated herein by reference*
FY 2006 Carryover	3-100-419000-0010	\$35,000	Community Development	4-100-081400-3160	\$35,000
FY 2006 Carryover	3-100-419000-0010	\$12,000	Community Development	4-100-081400-3160	\$12,000
FY 2006 Carryover	3-100-419000-0010	\$29,222	Commissioner of Revenue	4-100-012310-3180	\$29,222
Program Income	3-285-189900-0031	\$49,913	Finance	4-285-081300-3840	\$49,913
FY 2006 Carryover	3-100-419000-0010	\$4,449	Finance	4-100-012722-6047	\$4,449
Non-Departmental Reserves	4-100-091400-99612	\$4,372,000	Kettle Run High School	4-302-66610-8711	\$4,372,000
Capital Fund (Transfer)	4-302-31200-8107	\$8,841	Budget Office –	4-302-31200-8205	\$8,841
	4-302-31200-8103	\$8,701	CIP	4-302-91400-0100	\$18,408
	4-302-66605-8701	\$9,707			
TOTAL		\$8,975,285			\$8,975,285

¹ See Attachment 1: Environmental Services Resolution Codes*

ATTACHMENT 1

Environmental Services Resolution Codes

<u>TO</u>	4-513-	042710	1101	(\$122,803)
	4-513-	042710	1201	(\$500)
	4-513-	042710	1302	\$34,990
	4-513-	042710	2100	(\$3,881)
	4-513-	042710	2210	(\$10,656)
	4-513-	042710	2310	(\$27,105)
	4-513-	042710	2400	(\$1,192)
	4-513-	042710	3110	\$20,000
	4-513-	042710	3130	(\$5,000)
	4-513-	042710	3140	(\$234,970)
	4-513-	042710	3160	\$138,105
	4-513-	042710	3200	\$25,000
	4-513-	042710	3310	(\$15,000)
	4-513-	042710	3840	(\$55,000)
	4-513-	042710	5110	\$14,000
	4-513-	042710	5230	(\$8,500)
	4-513-	042710	5250	\$500
	4-513-	042710	5420	\$90
	4-513-	042710	6005	(\$5,000)
	4-513-	042710	3140	\$120,000
	4-513-	042710	8201	(\$78,600)
	4-513-	042710	8215	(\$175,000)
	4-513-	042710	9999	(\$182,436)
	4-513-	042711	1101	\$133,586
	4-513-	042711	1201	(\$1,250)
	4-513-	042711	1302	(\$85,376)
	4-513-	042711	2100	\$3,590
	4-513-	042711	2210	\$16,698
	4-513-	042711	2310	\$21,684
	4-513-	042711	2400	\$1,870
	4-513-	042711	3160	(\$4,000)
	4-513-	042711	5230	(\$1,500)
	4-513-	042711	5440	\$6,400
	4-513-	042711	8201	\$17,000
	4-513-	042711	8215	\$118,000
	4-513-	042714	1101	(\$23,596)
	4-513-	042714	1201	\$5,000
	4-513-	042714	1302	\$5,616
	4-513-	042714	2100	(\$993)
	4-513-	042714	2210	(\$2,949)
	4-513-	042714	2310	(\$5,421)
	4-513-	042714	2400	(\$331)
	4-513-	042714	8201	\$60,000
	4-513-	042714	8215	(\$60,000)
	4-513-	042731	1101	\$33,252

4-513-	042731	1201	\$2,250
4-513-	042731	1302	\$129,688
4-513-	042731	2100	\$12,637
4-513-	042731	2210	\$4,157
4-513-	042731	2310	\$5,421
4-513-	042731	2400	\$465
4-513-	042731	3140	(\$18,000)
4-513-	042731	3160	\$30,500
4-513-	042731	3310	\$40,000
4-513-	042731	4210	\$20,000
4-513-	042731	5110	\$23,000
4-513-	042731	9200	\$76,500
4-513-	042731	8201	(\$260,000)
4-513-	042731	8215	(\$500,000)
4-513-	042731	8256	\$2,459,300
4-513-	042731	9999	(\$75,000)
			\$1,615,240

A RESOLUTION TO CONSIDER THE SUBMISSION OF A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR A TEA GRANT TO ADD A SECTION TO THE WARRENTON BRANCH GREENWAY

A public hearing was held to consider an application by the Parks & Recreation Department for a Transportation Enhancement grant to provide funds for construction of approximately one-half mile of bicycle and pedestrian trail on property being donated for that purpose. Mr. Atherton waived the staff report. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *Mr. Raymond E. Graham*

Abstention: *None*

RESOLUTION

A RESOLUTION OF ENDORSEMENT TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD TO ESTABLISH A PROJECT FOR CONSTRUCTION OF A PEDESTRIAN AND BICYCLE TRAIL

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or State agency in order for the Virginia Department of Transportation to program a transportation enhancement project in the County of Fauquier; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That the Board of Supervisors does hereby request that the Commonwealth Transportation Board establish a project for construction of an approximate one-half mile pedestrian and bicycle trail on property being donated for that purpose; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign documents related to this grant application, and acceptance of the grant funds on behalf of Fauquier County, if awarded; and, be it

RESOLVED FURTHER, That Fauquier County hereby agrees the twenty percent (20%) local match of the total cost for construction of this project will be met by in-kind match and/or local funding; and, be it

RESOLVED FINALLY, That if Fauquier County subsequently elects to cancel this project, the County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 5

A public hearing was held to consider an amendment to the Article 5 of the Zoning Ordinance to clarify and amend the administrative permit process and to allow special exceptions and special permits to be approved as part of a rezoning. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. Kitty Smith, Marshall District, urged the Board to revise its procedures for advertising public hearings relating to zoning ordinance text amendments in advance of being heard by the Planning Commission. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 5 TO CLARIFY AND AMEND THE ADMINISTRATIVE PERMIT PROCESS AND TO ALLOW SPECIAL EXCEPTIONS AND SPECIAL PERMITS TO BE APPROVED AS PART OF A REZONING

WHEREAS, it is appropriate to amend the Zoning Ordinance to refine and clarify requirements for processing land development applications; and

WHEREAS, Fauquier County seeks to provide clearer and more flexible zoning regulations in support of business development in the County; and

WHEREAS, on August 10, 2006, the Board of Supervisors initiated this text amendment;
and

WHEREAS, on October 16, 2006, the Planning Commission held a work session on the proposed text amendment and on October 26, after a public hearing, the Planning Commission forwarded the proposed text amendment to the Board of Supervisors recommending approval;
and

WHEREAS, on November 9, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendments to Sections Article 5 support good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of November 2006, That Article 5 be, and is hereby, amended as follows:

ARTICLE 5

ADMINISTRATIVE PERMITS, SPECIAL PERMITS AND SPECIAL EXCEPTIONS

PART 5

5-000

GENERAL PROVISIONS

5-001

Purpose and Intent

1. There are certain uses which, by their nature, can have an undue impact upon or be incompatible with other uses of land within a given district. These uses as described may be allowed to locate within certain designated districts under the controls, limitations and regulations of **an administrative permit, special permit, or special exception.**
2. **A. The Zoning Administrator shall issue administrative permits under the provisions of this article if it is determined that the proposed use meets the standards set forth in this article.**
B. The BZA shall issue special permits under the provisions of this Article when it determines that such use will be compatible with the neighborhood in which it is to be located.

~~3. — In addition, there are instances similar to those in which a use may be appropriate under a special permit, including cases in which standards and regulations specified for certain uses allowed within a given district should be allowed to be varied within limitations in the interest of sound development. Such uses as described may be allowed to locate within a given designated district under the provisions of special exceptions.~~

C. The Board shall issue special exceptions under the provisions of this Article when it concludes that such action will not be incompatible with existing or planned development in the general area.

3. While the same standards shall be applied in the evaluation of the impact and compatibility of uses proposed under both the special permit and special exception provisions of this Article, the issues involved in special permits under consideration by the BZA involve primarily the immediate neighborhood to be affected. Special exceptions involve issues concerning the neighborhood as well as potential impacts on the general area, the Comprehensive Plan and, in some cases, the County as a whole. ~~(Special exceptions can be granted by the Board. Special permits can be granted by the BZA only.)~~

~~4.B~~ Notwithstanding anything in the Zoning Ordinance to the contrary:

A. when an applicant must seek a special exception and a special permit for a single project, all of the requirements for the special permit shall be addressed by the Board of Supervisors as part of the special exception process and the applicant shall be exempt from seeking separate, additional approval from the Board of Zoning Appeals. Subsequent to issuance, all amendments shall be processed by the Board of Supervisors.

B. **any use requiring special permit or special exception approval shall be exempt from such additional special permit or special exception approval where 1) such use was specifically requested and approved as part of a rezoning application, with location and character of the proposed use shown and addressed on the concept development plan for the rezoning, and 2) compliance with the specific standards in this article were addressed in proffers as part of the rezoning application.**

5. The BZA and Board shall stipulate, where appropriate, conditions and restrictions in the granting of special permits and special exceptions respectively to assure the use will be compatible with the neighborhood in which it is to be located and will meet the standards contained herein; or where that cannot be accomplished, to deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development allowed by right in the area.

6. The burden of proof lies with the applicant to demonstrate that the proposed use is consistent with the purpose and intent of the applicable zoning district and satisfies the standards contained hereinafter.

7. The Board or BZA may impose a condition that specific uses allowed by right on a property subject to a special use permit or a special exception shall not be commenced unless:

A. ~~(4)~~authorized by an amendment to the issued special use permit or special exception; or

- B.** ~~(2)~~the property owner elects to void his permit or special exception through delivery of a written notarized statement of relinquishment to the Zoning Administrator.

This limitation shall be included as a condition upon each issued special use permit or special exception.

5-002

Authorization

1. In consideration of an application filed with the Zoning Administrator, **the Zoning Administrator**, the BZA and the Board may authorize the establishment of those uses that are expressly listed respectively as **administrative**, special permit uses and special exception uses in a particular zoning district provided, however, that no such permit shall be required for a use allowed as a permitted use in such district.
2. No **administrative permit use**, special permit use or special exception use shall be authorized unless such use complies with all the applicable standards of this Article 5 and all other applicable requirements of this Ordinance.

5-003

Limits on Authority

1. Neither the **Zoning Administrator**, BZA nor the Board shall have the authority to vary, modify or waive any of the regulations or standards prescribed for any use or purpose for which **an administrative**, special permit or special exception is required, and any such modification, variance or waiver shall ipso facto nullify the action of the BZA or Board in issuing, respectively, any special permit or special exception hereunder. The discretion of the **Zoning Administrator**, BZA and Board shall be limited to determinations with respect to the standards applying to the use or purpose covered by the applicant.
2. This provision shall not preclude any concurrent, but jurisdictionally separate, proceedings applying to the same property, in which an application is made for a variance on an allegation of hardship.
3. The jurisdiction of the **Zoning Administrator**, BZA and the Board, with respect to any use or purpose for which such body is authorized to issue, respectively, **administrative permits**, special permits and special exceptions, shall be confined to the consideration of the question of conformity to the provisions of this Ordinance.
4. The BZA and Board shall issue respectively, the special permit or special exception applied for, subject to whatever conditions and restrictions are deemed necessary and appropriate under the provisions of Section 007 below, provided that so conditioned and restricted all applicable requirements of this Ordinance are met.

5-004

Status of Administrative Permit Uses, Special Permit Uses and Special Exception Uses

1. Any use for which an **administrative permit is granted by the Zoning Administrator**, special permit is granted by the BZA, or a special exception is granted by the Board, and which complies with the specific requirements of this Ordinance and those conditions and restrictions which may be imposed in accordance with Section 007 below, shall be deemed to be a permitted use on the lot for which it was approved.
2. Once a special permit or special exception has been granted, however, the use shall not be enlarged, extended, increased in intensity or relocated unless an application is made for a new **administrative permit**, special permit or special exception; except that the BZA and the Board may specifically waive or modify requirements for obtaining additional permits for the enlarging, extending, increasing in intensity or relocation of previously approved special permit or special exception uses in unusual cases when the change is not significant.

5-005

Establishment of Categories

For the purpose of applying specific conditions upon certain types of **administrative**, special permit and special exception uses and for allowing such uses to be established only in those zoning districts which are appropriate areas for such uses, all **administrative**, special permit and special exception uses are divided into categories of associated or related uses as hereinafter set forth in this Article 5.

5-006

General Standards For Special Permit and Special Exception Uses

In addition to the special standards set forth hereinafter **for specific uses**, ~~with regard to particular special permit and special exception uses, all such~~ **all special permit and special exception** uses shall also satisfy the following general standards:

1. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties. It shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.
2. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.
3. In addition to the standards which may be set forth in this Article for a particular category or use, the BZA and Board may require landscaping, screening, yard requirements or other limitations found to be necessary and appropriate to the proposed use and location.
4. Open space shall be provided in an amount at least equal to that specified for the zoning district in which the proposed use is located.

5. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 7.
6. Signs shall be regulated by the provisions of Article 8, except as may be qualified in the Parts that follow for a particular category or use. However, the BZA and the Board, under the authority presented in Section 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.
7. The future impact of a proposed use will be considered and addressed in establishing a time limit on the permit, if deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be necessary and appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.
8. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.
9. Except as provided in this Article, all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.

5-007

Conditions and Restrictions

1. ~~General~~— The BZA and the Board respectively, in granting special permits or special exceptions, may impose such conditions, safeguards and restrictions upon the proposed uses as may be deemed necessary in the public interest to secure compliance with the provisions of this Ordinance.

Conditions may include, but need not be limited to the following:

- A. The hours of operations.
- B. Access to the subject property.
- C. Protection of surface and groundwater.
- D. Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners.
- E. Adequate sewer and water supplies.
- F. Sound limitations as needed to ensure peaceful enjoyment of neighbors.
- G. The location, size, height, design of building, walls, fences, landscaping and buffer yard.

- H. Covenants and/or homeowners association for maintenance of applicable restrictions.
- I. Timing or phasing of development.
- J. Utilities underground.
- K. Control of smoke, dust and odor.
- L. Bonding as required to ensure standards are met and plans are implemented.

2. The Zoning Administrator may apply similar conditions to the approval of an administrative permit, but only to the extent that such condition is necessary in order to secure compliance with specific standards set forth for the use.

5-008

Time Limitations, Extensions, Renewals

In addition to the time limit set forth in this Article, the BZA and the Board, respectively, may require as a condition to the issuance of any special permit or special exception, that it shall be issued for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator, or that it may be periodically renewed by the body granting such approval. The procedure of granting an extension or renewal shall be as presented in Section 012 and 013 below. **A time limit may only be placed by the Zoning Administrator on an administrative permit to the extent the specific standards for that use authorize such limits for a particular use.**

5-009

Application for Administrative Permit, Special Permit or Special Exception

1. An application for **an administrative permit**, special permit or special exception may be made by any property owner, owner of an easement, possessor of the right of entry under the power of eminent domain, lessee, contract purchaser, or any official, department, board or bureau of any government. A contract purchaser, lessee or owner of an easement must file with the application a copy of the contract or some form of written statement which indicates the endorsement of the application by the property owner.
2. The application shall be filed with the Zoning Administrator on forms provided by the County. The application shall be complete and shall be accompanied by those submission requirements set forth in Section 011 below, such specific information as may be required for a given category or use, and such additional information as may be required by the BZA or Board. The application shall be accompanied by a fee established in accordance with the provisions of Section 13-107. No application shall be deemed to be on file with the County until all required submissions and payments have been presented.
3. The Zoning Administrator shall refer the application to any agency or review body as may be specified for a particular Category or use or as deemed appropriate by the Zoning Administrator. Such referral will be made expeditiously upon filing of the application. The Zoning Administrator will take action necessary to see that the advertising requirements of Section 13-

111 are met for hearings conducted in connection with this Section. **For those administrative permits where the standards for the use specify special notice requirements, the Zoning Administrator will take the action necessary to see that such notice requirements are met.**

4. Application for a special permit shall be filed not later than twenty-four (24) calendar days prior to the date of the BZA meeting at which it will first be placed on the agenda. At that meeting a hearing will be conducted concerning the application in accordance with the provisions of Section 13-110.
5. Application for a special exception shall be submitted not later than forty (40) calendar days prior to the first Planning Commission meeting at which it may be considered and must be filed not later than thirty (30) calendar days prior to said meeting. An application is considered officially filed if the Department accepts it after review. At the first meeting a hearing will be conducted concerning the application in accordance with the provisions of Section 13-110. The Commission shall, not later than its next regular monthly meeting, unless an extended period is mutually agreed to by the applicant and the Commission, forward a recommendation concerning the proposal to the Board. Failure to act at this time, unless tabled with the concurrence of the applicant, shall be deemed action to recommend approval.
6. The Board shall hold a public hearing on all applications for special exceptions in accordance with the provisions of Section 13-110, at its earliest regularly scheduled meeting for which the notice requirements of Section 13-111 can be met following the date of Commission action on a recommendation concerning such applications.
7. The BZA or Board shall render a decision on all applications for special permits and special exceptions, respectively, not later than at its body's second regular monthly meeting following the hearing (except for cases delayed in accordance with Section 5-010). This time limit may be extended by either body, through the consent of the applicant, and if comments or reports have not been received from other agencies and/or review bodies (other than the Commission) which are either specified for a particular category or use, or are deemed necessary by the BZA or Board.

8. The Zoning Administrator shall render a decision on all applications for administrative permits within 30 days of a complete submission.

5-010 Site Location Plan Approval

- ~~1. Review by the Commission in accordance with the provisions of Section 15.2-2232, Code of Virginia, shall be conducted concurrently with the Commission's review of special exceptions concerning the use, if such special exception is required.~~
- ~~2. The Commission shall hold a public hearing in accordance with the provisions of Section 13-110 of this Ordinance concerning all uses subject to review in accordance with the provisions of Section 15.2-2232, Code of Virginia, as amended.~~

Additional Submission Requirements**I. Special Permits**

All applications for special permit shall be accompanied by the following items in addition to those items that may be listed for a particular category in parts that follow:

1. Explicit statement of proposed use (may be on application form).
2. A scale drawing(s) at a scale of not less than 1"=100' (1"=200' for residential development, major, in the Rural and R-1 zoning districts) showing:
 - A. Property lines.
 - B. Abutting streets with names or route numbers.
 - C. Location of all existing and proposed buildings or uses.
 - D. Highway entrance(s) and driveways.
 - E. Off-street parking and loading spaces, showing number of spaces provided.
 - F. Front, side and rear elevations of any proposed building.
 - G. Landscaping if applicable.
 - H. Such drawing shall be submitted in four (4) copies on sheets not exceeding 30 x 42 inches.
3. A copy of the applicant's purchase agreement or sales contract if applicant is a contract owner.
4. Any other information requested by the BZA (not required as part of original submission).

II. Special Exceptions

All applications for special exception shall be accompanied by the following applicable items in addition to those items that may be listed for a particular category in the parts that follow:

1. Ten (10) copies of an application on forms provided by the County, completed and signed by the applicant.
2. Ten (10) copies of a Conflict of Interest Statement provided by the County, completed and signed by the applicant.
3. Ten (10) copies of a plat drawn to a designated scale determined by consultation with the Director or his designated agent, containing the following information as applicable:
 - A. Boundaries of entire property, with bearings and distances on all boundary lot lines.
 - B. Total area of the property in square feet or acres.

- C. Scale and arrow north.
 - D. Public right(s)-of-way, including names, route numbers and width.
 - E. Proposed means of ingress and egress to the property from a public street(s).
 - F. Parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line.
 - G. Where wells and/or septic fields are proposed, soils analysis/information indicating general feasibility of proposed use or indication that the subject property is served by public water and/or sewer. Where appropriate, a statement from the Health Department indicating that available facilities are adequate for the proposed use.
 - H. A map (3 inches by 3 inches) giving the general vicinity of the subject property.
 - I. Where applicable seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, limits of clearing, landscaping and screening, outside lighting, loud speaker, required and/or proposed improvements to public right(s)-of-way.
 - J. Seal and signature of person certifying the plat.
4. Ten (10) copies of a statement of justification to include the following as applicable:
- A. Type(s) of operation(s).
 - B. Hours of operation.
 - C. Estimated number of patrons/clients/patients/pupils/etc.
 - D. Proposed number of employees/attendants/teachers, etc.
 - E. Qualifications of application and operators of the proposed use. Where applicable, submit a copy of professional or occupational certification or license.
 - F. Estimate of traffic impact of proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.
 - G. Vicinity or general area to be served by the use.
 - H. For other than residential development, description of building facade and architecture of proposed new building or additions

- I. A statement that the proposed use conforms to the provisions of all applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such Ordinance, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.
5. Four (4) copies of the Fauquier County Parcel Identification Map with the subject property highlighted in red.
6. OPTIONAL - Photographs of the property showing existing structures, terrain and vegetation.
7. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. A copy of a properly executed lease or contract to purchase, with financial terms deleted if so desired, will normally suffice to meet this requirement.
8. Where applicable, any other information as may be required by the provisions of Articles 4 and 5 or requested by the Board or Commission which may not be required as a part of the original submission.
9. An application fee as provided for in accordance with Section 13-107.

5-0121

Extension of Special Permit or Special Exception (by the Zoning Administrator)

1. The application for an extension of a special permit or special exception shall be filed with the Zoning Administrator in accordance with the provisions of Paragraphs 1 and 2 of Section 009 above. The application shall be filed within thirty (30) to sixty (60) days before the expiration date of the special permit or special exception.
2. The Zoning Administrator shall inspect the use; review the applicant's record of compliance with those conditions, standards and restrictions previously imposed by the BZA or Board; and make a determination on whether the special permit or special exception use still satisfies the applicable standards of this Ordinance. The Zoning Administrator shall also notify the applicable approving authority that request has been filed.
3. Upon a favorable finding, the Zoning Administrator shall issue an extension of the special permit or special exception for the period of time that may be specified for a particular category or use or that may have been specified by the BZA or the Board. Upon an unfavorable finding, the application shall be denied and such an action shall be subject to appeal in accordance with the provisions of Part 3 of Article 13.
4. All Ordinances and regulations, in effect at the time an application for an extension is filed, shall apply to the use in the same manner as when a new

special permit or special exception is issued by the BZA or Board except that no alteration of a structure shall be required if such structure was in conformity with the provisions of the Building Code and other applicable regulations at the time the special permit or special exception was first granted.

5-0132

Renewal of a Special Permit or Special Exception (by the BZA or Board)

1. The procedure for the renewal of a special permit or special exception shall be the same as specified in Section 009 above for the issuance of the original permit or exception, unless the BZA or Board shall specifically waive or modify such procedure for a given permit or exception or unless the procedure is qualified for a particular category or use. The application for a renewal shall be filed ninety (90) days before the expiration date of the permit or exception.
2. All Ordinances and regulations, in effect at the time an application for a renewal is filed, shall apply to the use in the same manner as when a new special permit or exception is issued by the BZA or Board except that no alteration of a structure shall be required if such structure was in conformity with the provisions of the Building Code and other applicable regulations at the time the special permit or special exception was first granted.

5-0143

Expiration of a Special Permit or Special Exception

With the exception of public uses, whenever **an administrative permit**, special permit or special exception is issued by the **Zoning Administrator**, BZA or Board, the activity authorized thereby shall be established and construction authorized shall be diligently ~~prosecuted~~ pursued within such time as the **permit** ~~BZA or Board may have specified~~ or, if no such time has been specified, then within one (1) year after the effective date of such permit or exception; ~~unless an extension shall be granted by the BZA or Board because of the occurrence of conditions unforeseen at the time of the granting of the special permit or special exception.~~ If **the use or** construction has not commenced within a period of one (1) year, ~~unless an extension is granted~~, such **administrative permit**, special permit or special exception shall automatically expire without notice. **The BZA or Board may grant an extension to a special permit and special exception because of the occurrence of conditions unforeseen at the time of granting the special permit or special exception, upon application by the original permittee for such extension.**

5-0154

Revocation of an Administrative Permit, Special Permit or Special Exception

1. Unless a time limit is specified for **an administrative permit**, special permit or special exception, the same shall be valid for an indefinite period of time but shall be revocable on the order of the **Zoning Administrator**, BZA or Board at any time because of the failure of the owner or operator of the use covered by the permit or exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the special permit or special exception that were designated in issuing the same.

2. Before revoking any special permit or special exception, however, the BZA or Board shall give the holder thereof at least fifteen (15) days written notice of violation. The BZA or Board shall hold a hearing on the revocation of the permit or exception and shall give the applicant at least fifteen (15) days advance written notice of the hearing date.
3. **Notice of revocation of an Administrative permit shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or operator of such activity shall close operation of the activity forthwith. In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within forty-eight (48) hours two working days of the date upon which the appeal is received. Within one working day twenty-four (24) hours after the date of the meeting the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify or rescind the revocation of the temporary permit.**
4. ~~3.~~The foregoing provisions shall not be deemed to preclude the use of the other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

5-0165

Contesting a Special Exception Decision

Every action contesting a decision of the Board granting or failing to grant a special exception shall be filed within thirty (30) days of such decision with the Circuit Court having jurisdiction of the land affected by the decision. However, nothing in this subsection shall be construed to create any new right to contest the action of a local governing body, having direct access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-107

Administration and Standards for Manufactured Dwellings

1. Administration
 - A. ~~An application as provided for in Section 009 above, the Zoning Administrator may issue an Administrative Special Permit for those uses so authorized in 3-301.3.~~
 - B. ~~The application for an Administrative Special Permit for a manufactured dwelling shall be filed at least 30 days prior to the date on which the permit is to take effect. The application forms shall provide such~~

~~information as the Zoning Administrator shall find to be reasonably necessary for the fair administration of this paragraph.~~

~~C—~~Upon receipt and acceptance of a complete application, the Zoning Administrator shall within 5 working days, by letter, notify adjacent property owners of the filing of the application, where and when it can be reviewed and the last date comments will be accepted for consideration.

~~D. Upon deciding that the application meets all standards set forth in subparagraph 2 below, the Zoning Administrator shall issue an administrative special permit, setting forth the conditions that must be met prior to occupancy of the dwelling.~~

~~E. The Zoning Administrator may revoke an Administrative Special Permit granted in D. above at any time on failure of the owner to observe all conditions in connection with the permit that were designated in issuing same. Notice of such revocation shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or operator of such activity shall close operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.~~

2. Standards

- A. The applicant must be the owner of record.
- B. The main body (living area) of the structure shall be not less than twenty (20) feet in width as measured at the narrowest point.
- C. The side of the building most nearly parallel to the appurtenant street (including a fully enclosed garage, not a carport) shall be not less than thirty (30) feet.
- D. The tongue, trailer hitch and any other visible transportation appurtenances are removed.
- E. A foundation wall which forms a complete enclosure directly beneath the exterior walls shall be constructed in accordance with County Code requirements for foundations.
- F. The main roof shall have a pitch of not less than 2 1/2:12 and shall be covered with shingles of a type commonly used on site built dwellings.
- G. Exterior siding shall be of materials, colors and finishes commonly used on site built dwellings.
- H. Fenestration shall be rectangular and otherwise similar to that of conventional single family dwellings.

PART 8

5-800

CATEGORY 8 TEMPORARY USES

5-801

Administration

1. ~~Upon application as provided for in Section 009 above, the Zoning Administrator may issue an administrative special permit for those temporary uses so authorized in Section 3-308 above. Other requests for permits and temporary uses shall be applied for in accordance with requirements for obtaining other special permits and special exceptions.~~
2. ~~The application for a temporary special permit shall be filed at least three (3) weeks prior to the date on which the permit is to take effect. The application forms shall provide such information as the Zoning Administrator shall find to be reasonably necessary for the fair administration of this Part.~~
3. ~~An administrative special permit shall not exceed the time limit specified for a given use. Any request for a longer period of time, or any renewal or extension of such a permit, shall be approved by the BZA, subject to the same procedure as specified in Section 009 above for the original issuance of a special permit. An application for any such approval by the BZA shall be filed ninety (90) days prior to the date on which the permit is to take effect.~~
4. ~~Upon the finding that the application does sufficiently comply with the standards set forth for the use in question as well as those general standards set forth in Section 006 above, the Zoning Administrator shall issue an administrative special permit, setting forth the duration of the permit and specifying such conditions as to location, parking, traffic access, screening and safety requirements as will protect the health, safety and welfare of the public and which will protect adjoining properties from any adverse effects of the activity.~~
5. ~~The Zoning Administrator may revoke a temporary special permit (whether it was issued administratively or otherwise) at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated in issuing the same. Notice of such revocation shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or operator of such activity shall close operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.~~

- ~~6. An appeal by the person(s) aggrieved by an action of the Zoning Administrator in granting or denying an administrative special permit may be made in accordance with the provisions of Part 3 of Article 13.~~
- ~~7. In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within forty eight (48) hours of the date upon which the appeal is received. Within twenty four (24) hours after the date of the meeting the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify or rescind the revocation of the temporary permit.~~

ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-302, 5-200, 6-102, 6-300 AND 15-300

A public hearing to consider amendments to Sections 3-302, 5-200, 6-102, 6-300 and 15-300 of the Zoning Ordinance to amend the regulations authorizing home occupations and related accessory use provisions. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. Matt Soutter, Scott District, spoke in opposition to the proposed text amendment, stating that several definitions were ambiguous. No one else spoke. The public hearing was closed. Mr. Downey moved to postpone a decision on this matter until the next regular meeting on December 14, 2006. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: **Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling**

Nays: **None**

Absent During Vote: **Mr. Raymond E. Graham**

Abstention: **None**

ZONING ORDINANCE TEXT AMENDMENT TO SECTION 2-310

A public hearing was held to consider an amendment to Section 2-310 of the Zoning Ordinance to allow an owner to reserve or allocate one family division or administrative parcel of five (5) acres or less by deed and plat notation on a single large lot of over 100 acres on an otherwise eligible parcel from which no previous parcels have been created. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendments. Joe Vogel, Marshall District, spoke in opposition to the proposed amendment. Ed Updike (unidentified District) spoke in favor of the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: **Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling**

Nays: **None**

Absent During Vote: **Mr. Raymond E. Graham**

Abstention:

None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 2-310 TO ALLOW AN OWNER TO RESERVE OR ALLOCATE ONE FAMILY DIVISION OR ADMINISTRATIVE PARCEL OF FIVE (5) ACRES OR LESS BY DEED AND PLAT NOTATION ON A SINGLE LARGE LOT OF OVER 100 ACRES ON AN OTHERWISE ELIGIBLE PARCEL FROM WHICH NO PREVIOUS PARCELS HAVE BEEN CREATED

WHEREAS, on August 31, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on September 28, 2006, after a public hearing, the Planning Commission forwarded the proposed text amendment to the Board of Supervisors unanimously recommending approval; and

WHEREAS, on November 9, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of November 2006, That Section 2-310 be, and is hereby, amended as follows:

2-310

Large Lot Development Option in the RA and RC Zones

As an alternative to division in accordance with the sliding scale zoning density set forth in Section 2-308, eligible parcels of record on the date of adoption of this provision zoned RA or RC may be divided into large lots subject to the following conditions and limitations:

1. The parcel shall not be eligible to be divided into large lots if it constitutes the deeded or otherwise required open-space for a subdivision created in accordance with 2-308 of this Ordinance.
2. All parcels created through this Ordinance must be at least 100 acres in size, except that each eligible parcel of record as of the date of adoption of this Ordinance shall be afforded no more than three lots having a minimum of 50 acres each. A large lot subdivision applicant may reserve or allocate within any large lot division one or more of the three 50-acre lots by deed and plat notation.
3. Except to the extent any of the three 50-acre lots is allocated or reserved as set forth in paragraph 2, above, any parcel of 200 acres or greater in size created as a large lot in accordance with this section may be re-divided into

lots of at least 100 acres in size, or alternatively may be re-subdivided in accordance with the proportionate share zoning density available to the parcel in accordance with the provisions of Section 2-308 of the Zoning Ordinance.

4. Large lots created in accordance with this provision shall be exempt from the requirements of the Subdivision Ordinance to the extent set forth in Section 2-39(c) of the Subdivision Ordinance.
5. Notwithstanding all of the above, an otherwise eligible parcel from which only one family division or administrative parcel of five (5) acres or less has been created may be further divided in accordance with this section; or an otherwise eligible parcel from which no previous parcels have been created may reserve or allocate one family division or administrative parcel of five (5) acres or less by deed and plat notation on a single large lot of over 100 acres.

ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-310, 4-603 AND 15-300 AND ADDING A NEW SECTION 5-1003

A public hearing was held to consider amendments to Sections 3-310, 4-603 and 15-300, and adding a new Section 5-1003 to the Zoning Ordinance to permit indoor sports/activity centers in Commercial and Industrial Zoning Districts and PCID Overlay Districts. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendments. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-310, 4-603, 15-300 AND ADDING A NEW SECTION 5-1003 TO PERMIT INDOOR SPORTS/ACTIVITY CENTERS IN COMMERCIAL AND INDUSTRIAL PARK ZONING DISTRICTS AND THE PCID OVERLAY DISTRICTS

WHEREAS, on July 27, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on September 28, 2006, after a public hearing on August 31, 2006, the Planning Commission forwarded the proposed text amendment to the Board of Supervisors unanimously recommending approval; and

WHEREAS, on November 9, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of November 2006, That Sections 3-310, 4-603, and 15-300 be, and are hereby, amended as follows:

3-310

See Page III-4 for Key																		
	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
3-310 RECREATION AND AMUSEMENT (CATEGORY 10)																		
1. Private clubs	X	SP	SP	SP	SP	SP	SP	SP	SP				SP	P	P	SP		
2. Theatre, indoor	X												P	P	P	P		
3. Health club/spa	X												SP	SP	P	SP		
4. Bowling alley	X												SP	P	P			
5. Pool/Billiards/Amusement Arcade Facility	X												SP	SP	SP	SP		
6. Skating rink, ice or roller, non-spectator	X													P	P		SP	
7. Skating rink, ice or roller, spectator sports	X													SE	SE		SE	
8. Marina, dock or boating facility	X		SP	SP		SP	SP	SP	SP									
9. Dance hall	X													SP		SP		
10.Indoor sports/activity complex 25,000 sq. ft. or less	X												SP	SP	SP	SP	SP	
11.Indoor sports/activity complex greater than 25,000 sq. ft.	X												SE	SE	SE	SE	SE	

4-603 Principal Uses Permitted

The following principal uses shall be permitted, subject to designations of areas and sites for such uses in the approved Development Plan and subject to the use limitations set forth in Section 4-606 below:

- Adult day care center
- Agriculture, horticulture, forestry or fishery
- Auction house
- Bakery, commercial
- Bank or financial institution
- Barber/beauty shop
- Business service and supply service establishments
- Commuter parking lot
- Conference or training center
- Convenience stores
- Contractors offices and shops
- Continuing care facilities
- Construction office
- Day care, child care, or nursery

Distribution facility

Farmers market

Health and fitness center/spa

Indoor sports/activity centers

Laundry, dry cleaners, Laundromat

Manufacture, processing, fabrication and/or assembly of products such as,
but not limited to scientific and precision instruments, photographic
equipment, communication equipment, computation equipment,
drugs, medicines, pharmaceuticals, household appliances, toys,
sporting and athletic goods, die-cut paperboard and cardboard, glass
products made of purchased glass, electric lighting and wiring
equipment, service industry machines, lithographic and printing
processes, industrial controls, radio and TV receiving sets, watches
and clocks, bags and containers, sanitary paper products, optical
goods, electrical machinery, wireless communications

Medical care facility, major or minor

Meeting halls for social, fraternal, civic, public and similar organizations

Motor vehicle service and repair, light

Offices, administrative, business and professional

Place of worship

Plant nursery/greenhouse

Postal Service, overnight courier collection and overnight mail distribution
facility

Printing service

Private clubs

Public and quasi-public uses, including but not limited to post office, library, parks and recreation
facilities, governmental office and service facilities, public safety facilities (fire and
rescue, police)

Radio and television recording/broadcasting studio

Recycling drop off collection center, small

Repair service establishments

Research, experimental testing, or development activities

Restaurants

Schools, primary and secondary

Service Stations

Swimming/tennis/racquet facility

Technical schools, indoor and outdoor

Theater, indoor

Warehousing facilities

Water and sewer pumping stations

Wholesale trade establishments

5-1003 Additional Standards for Indoor Sports/Activity Centers

1. Accessory uses and facilities include coaching and teaching, parties, meetings, indoor events, eating establishments, game rooms, amusement machines, day care facilities, and pro shops. The issuing authority may place restrictions on such uses as appropriate for good zoning practices.

2. One parking space per two persons of maximum occupancy load plus one spot per employee shall be provided. If events are planned, the approving authority should consider increasing the required parking.

15-300 INDOOR SPORTS/ACTIVITY CENTER: A facility principally for indoor group activities including uses and facilities such as coaching and teaching, parties, meetings, indoor events, eating establishments, game rooms, amusement machines, day care facilities, and pro shops. Appropriate uses shall be permitted under this category regardless of whether otherwise permitted and regulated elsewhere in the Zoning Ordinance.

SPECIAL EXCEPTION RENEWAL #SPEX02-MA-003 – UTA EMBERGER, OWNER AND APPLICANT – THE 1763 INN

A public hearing was held to consider an application to renew a previously approved (October 15, 2001) Special Exception in order to continue operating the facility for another five (5) year period. The property is located at 10082 Gazebo Lane in Upperville, Marshall District, more particularly described as PIN 6044-67-3399-000. Frederick P.D. Carr, Director of Community Development, summarized the application for Special Exception renewal. Chuck Floyd, representing Carson Ashley and Associates, requested favorable consideration of the application on behalf of the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

RESOLUTION TO APPROVE SPEX02-MA-003: A CATEGORY 9 SPECIAL EXCEPTION TO RENEW A PREVIOUSLY APPROVED SPECIAL EXCEPTION TO OPERATE THE 1763 INN, MARSHALL DISTRICT

WHEREAS, Uta Kirchner, Owner and Applicant, is seeking Special Exception renewal of her current Special Exception, to allow for continued operation of The 1763 Inn restaurant and resort on the parcel known as PIN 6044-67-3399-000; and

WHEREAS, on September 28, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, the Fauquier County Planning Commission recommended approval of the application, subject to conditions; and

WHEREAS, on November 9, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-900; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That SPEX02-MA-003 be, and is hereby, renewed and approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land. This permit shall supersede previously granted permits for a resort.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions. Any subdivision or addition of structures shall require an amendment to this Special Exception.
3. The Special Exception use shall be in substantial conformance with the Special Exception plat dated February 9, 1998 and prepared by James H. Harris and Associates, and these conditions.
4. The Special Exception shall be granted for a period of five (5) years from the date of approval and must be renewed by the Board of Supervisors in accordance with the provisions of Section 5-013 of the Zoning Ordinance.
5. There shall be no more than 21 guestrooms on site, as indicated on the above referenced Special Exception Plat.
6. No more than one (1) principal residence is permitted.
7. The two (2) apartment units on site shall be limited to one bedroom, one-person occupancy.
8. The seating capacity of the restaurant shall not exceed 50 patrons.
9. The property shall be fenced or clearly marked to prevent trespassing.
10. The total number of guests on site at any one time shall not exceed 120 unless a permit is granted for a temporary use in accordance with Section 3-308.3 of the Zoning Ordinance.
11. The applicant shall maintain, at all times, occupancy permits for all dwelling and guest units, Health Department approvals, and proof that State fire codes are met.
12. The applicant shall submit to the Health Department the results of quarterly water testing as required by the State for bed and breakfast and full food service restaurants.
13. The applicant shall provide for the shielding of the lighting located at the property entrance along Route 50 to mitigate off-site impacts.

SPECIAL EXCEPTION #SPEX07-MA-001 – FLINT HILL PARTNERS, OWNER AND APPLICANTS – CHATTINS RUN NORTH

A public hearing was held to consider an application to obtain a Category 29 Special Exception to waive the public street requirement. The property is located on the south side of Maidstone Road (Route 713) east of Long View Lane, Marshall District, more particularly described as PIN 6061-07-6619-000. Frederick P.D. Carr, Director of Community Development, summarized the proposed Special Exception. Chuck Floyd, representing Carson Ashley and Associates, requested favorable consideration of the application on behalf of the applicant. Kitty Smith, Marshall District, expressed concern about run-off and recommended a pervious road surface. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPEX07-MA-001: A CATEGORY 29 SPECIAL EXCEPTION TO WAIVE THE PUBLIC STREET REQUIREMENT IN THE RURAL AGRICULTURE (RA) ZONE TO ALLOW CHATTINS RUN LANE TO BE DESIGNED AND CONSTRUCTED AS A TYPE III PRIVATE STREET

WHEREAS, Flint Hill Partners, LLC, owners of the property identified by PIN 6061-07-6619-000, has requested a Category 29 Special Exception to allow a waiver of the public street requirement in a residential zone; and

WHEREAS, the proposed private street, based upon anticipated traffic generation volume, will adequately serve the lots to be developed and provide sufficient emergency vehicle access to the subdivision; and

WHEREAS, demonstration that adequate provisions will be made to provide for continuing maintenance and repair of the streets by a homeowners association has been made; and

WHEREAS, on October 26, 2006, the Fauquier County Planning Commission held a public hearing and considered testimony; and

WHEREAS, on October 26, 2006, the Planning Commission voted unanimously to forward Special Exception SPEX07-MA-001 to the Board of Supervisors with a recommendation of conditional approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of November 2006, That Special Exception SPEX07-MA-001, Flint Hill Partners, LLC, owner and applicant, be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for the purpose of waiving the private street requirement in a Rural Agriculture (RA) zone to allow a Type III private street as shown on the Special Exception Plat, "Chattins Run North", dated September 13, 2006. The Final Plat shall be in general conformance with this Special Exception Plat as qualified by these development conditions. A modified Final Construction Plan shall be submitted and shall be in general conformance with this Special Exception and the conditions listed below.
2. This Special Exception is granted for and runs with the land identified as PIN 6061-07-6619-000.
3. Article 7-303.2 of the Fauquier County Zoning Ordinance stipulates that there are no design or construction standards for Type III private streets. Therefore, there shall be no design or construction required for the proposed Chattins Run Lane. The entrance to Maidstone Road (Route 713) from Chattins Run Lane shall meet the Virginia Department of Transportation (VDOT) entrance requirements.
4. Chattins Run Lane shall connect directly to Maidstone Road. Only the Non-Common Open Space Residue Parcel may have direct access to Maidstone Road. The five (5) cluster lots shall not have direct access to Maidstone Road.
5. There shall not be a maximum grade established for Chattins Run Lane.
6. The ingress/egress easement shall be a minimum of fifty (50) feet in width.
7. The private street shall have a minimum radius of forty (40) feet at its terminus.
8. There shall be no requirements for the surface or base material for Chattins Run Lane. The surface and base material shall be left up to the applicant's discretion.
9. As part of the Final Construction Plans, an Erosion and Sediment Control Plan shall be submitted for review by the John Marshall Soil and Water Conservation District for review and approval prior to Final Plat approval.
10. Prior to Final Plat approval, Erosion and Sediment Control measures shall be bonded with Fauquier County.
11. Any drainage and culvert designs required for the entrance and Maidstone Road shall be designed to meet VDOT standards.
12. An improvements bond shall not be required for Chattins Run Lane road construction. Prior to Final Plat approval, the entrance improvements shall be bonded with VDOT, pursuant to VDOT guidelines.

13. As part of the Final Construction Plans, a Final Soils Map shall be submitted to the Fauquier County Soil Scientist's Office for review and approval prior to Final Plat approval.
14. Prior to Final Plat approval, a detailed road maintenance agreement shall be provided for review and approval by the County. This agreement shall be located in the Deed of Subdivision and Homeowners Association documents and it shall establish a fund for perpetual road maintenance including repairs, drainage, snow removal, sign maintenance, etc.
15. The applicant shall have two (2) years from the date of approval of this Special Exception to record the Final Plat to create the Chattins Run North Subdivision or this approval shall be deemed null and void.
16. Fauquier County Department of Community Development will not issue final approval of Chattins Run North Final Construction Plans until the application for Chattins Run South Preliminary Plat has been withdrawn.

COMPREHENSIVE PLAN AMENDMENT - NEW BALTIMORE SERVICE DISTRICT

A public hearing was held to consider proposed amendments to the Comprehensive Plan Chapter 6 – New Baltimore Service District. A copy of the New Baltimore Service District Draft is available in the Department of Community Development or online at: http://www.fauquiercounty.gov/documents/committees/NewBaltSvcDist/minutes/nbsdrd092806/NBSDrDraft_09-28-06.pdf. Frederick P.D. Carr, Director of Community Development, summarized the proposed Comprehensive Plan Amendment.

Gislayne Pincosy, Cedar Run District, read a letter dated September 28, 2006, from the Robert Nieweg of the National Trust for Historic Preservation, addressed to Commissioner Jim Stone, expressing concern for preservation of historic resources, including the Buckland Mills Battlefield and Buckland Farm;

George Mayhugh, spoke on behalf of his partner Dan O'Connell, Esquire, who represents Dan and Patricia R. Drunagel, of Scott District, requested that the Drunagel's property be retained in the New Baltimore Service District Plan and reserved the transportation options discussed at the previous work session;

Bill Grant, Scott District, requested that his property be retained in the New Baltimore Service District Plan to allow access to public sewer;

Ray Whitelock, Scott District, requested that his property be retained in the New Baltimore Service District Plan to ensure access to public water;

Don Potter, Cedar Run District, read a letter from Paul Hawke of the American Battlefield Protection Program (ABPP), addressed to Jerry Combs of the U.S. Department of Transportation, expressing concern regarding the preservation of the Buckland Mills Battlefield

and requesting that ABPP to be consulted in the development of transportation projects along Route 215;

John Deperro, Cedar Run District, expressed concern regarding long-term transportation issues related to bypass studies and proposed realignment of Route 215;

David Brown, Scott District, representing his parents who own property along Route 215, requested that their property be retained in the New Baltimore Service District Plan;

Rick Lawson, a planner representing McGuire Woods, requested assurances from the Board that the Buckland Bypass study will not being considered as a part of these deliberations on the Comprehensive Plan Amendment;

Peter Johnson, Cedar Run District, presented a letter dated October 22, 2004, from James Lighthizer of the Civil War Preservation Trust, to Supervisor Harry Atherton, expressing support for preservation of the Buckland Mills Battlefield;

Peggy Eaton, Scott District, stated that transportation projects should be discontinued on Routes 15/29 and 215 until the completion of all studies, and Ms. Eaton also read an e-mail dated September 28, 2006, from Richard Gookin of the Fauquier Historical Society, addressed to David Blake of the Buckland Preservation Society, expressing concern that the Comprehensive Plan Amendment would have a negative impact on the Buckland Mills Battlefield;

Bob McConahy, Cedar Run, spoke in support of tabling a decision on this matter, and also read a letter dated September 26, 2006, from Kristen Stevens of the National Park Serve, addressed to David Blake of the Buckland Preservation Society, expressing concern about negative impacts on the Buckland Mills Battlefield from proposed transportation projects along Routes 15/29 and 215;

Linda Deperro, Cedar Run District, representing “Concerned Citizens for Cedar Run/New Baltimore” and expressed concern regarding transportation projects along Routes 15/29 and 215 and asked for a caveat that stops action until options can be considered;

Chuck Medvitz, Scott District, stated he was a member of the former citizens planning committee and regrets that the committee was unable to predict the changes being forced upon this area from outside sources, and he further recommended including in the Comprehensive Plan Amendment references to the ongoing corridor studies that are being completed;

Elizabeth Thompson Krieger, Cedar Run District, read a letter dated October 13, 2004, from Elizabeth S. Kostelny of the Association for the Preservation of Virginia Antiquities, addressed to Supervisor Harry Atherton, encouraging the County to take into consideration the preservation of historic assets associated with Buckland and the battlefield properties along Route 215;

Everett Garber, Scott District, stated he was a member of the former citizens planning committee and tonight illustrates the conflicting views that the committee faced throughout its consideration of the committee recommendations, and suggested that further study of the

intersection at Route 215 and Route 29 be completed before adopting those changes as part of this Comprehensive Plan Amendment, especially in view of the Buckland bypass issue;

Ann Ryan, Cedar Run District, read an article from the Fauquier Citizen Newspaper dated November 3, 2006, written by Kate McGinnis Wyatt, of the Journey Thru Hallowed Ground Partnership, expressing interest in preserving historical resources and describing the program's outreach efforts;

David Blake, Scott District, stated that the Buckland Preservation Society has initiated a formal long-term Federal preservation plan to permanently preserve the Buckland Mills Battlefield, which is being put together by the National Trust for Historic Preservation, the America Battlefield Protection Program, the Civil War Preservation Trust, the Association for the Preservation of Virginia Antiquities, the Virginia Department of Historic Resources, the Journey Thru Hallowed Ground, the National Park Service, the Virginia Outdoors Foundation, and the Buckland Preservation Society, however, he feels the Comprehensive Plan is inconsistent with this preservation plan, and asked the Board to work with these individuals and consider the alternatives;

Tom Ash, resident of the Village of Buckland, read a letter dated January 31, 2006, from J.E.B. Stuart IV, Colonel, U.S. Army (Retired), addressed to Governor Timothy Kaine, expressing concern about the implementation of the proposed VDOT projects that would adversely affect the Buckland National Register Historic District and Battlefield;

Tom Ash, Sr., resident of Buckland Tavern, stated he has restored two of the old building and the church, has invested his life's savings in preservation of the Village of Buckland, and expressed his concern that the widening of Route 29 will greatly diminish his legacy to his children, and he favors building a bypass;

Bland Lee, former resident of Broad Run, currently residing in the Northern Neck, recounted how the ancient Indian burial grounds on his former property that were bulldozed after his departure, and he urged the preservation of Buckland Mills Battlefield area;

Brenda Ross, Scott Ross, expressed concerns regarding transportation issues and requested the Board to table a decision until recent studies can be reviewed and all of the alternatives can be examined, she requested clarification of the overlay areas, and she requested protection of the Buckland Battlefield area;

Marlene Maloney, Cedar Run District, read statements from: Orlando Woodall of the Maryland Historical Trust, Carter Hudgins of the University of Mary Washington, Karen Hughes Wright of the Afro-American Historical Association of Fauquier County, and Roy Graham of the Colonial Williamsburg Foundation, in favor of preserving historical resources in the Buckland Farm area;

David Rhoades, resident of Lee Highway, thanked the Board for allowing comments from non-residents of Fauquier County, expressed concerned about increased traffic flow and encouraged the Board to include a thorough transportation study, as well as any cultural information in order to make this a holistic comprehensive plan;

Ed Moore, representing Brookside Communities, requested additional time be given to allow their team to work closely with the Planning Commission, the Citizens group, and all affected and interested parties, to accurately depict the details of Brookside and how it helps to shape and integrate into this ongoing amendment for the New Baltimore Service District Comprehensive Plan; he further requested that action be postponed on this document until Brookside is able to work with County staff to properly incorporate Brookside and its features into the revised document;

Joseph McKinney, resident of Brandy Station in Culpeper County, stated that he is a volunteer for the Brandy Station Battlefield Foundation, supports the need for preserving the Buckland Battlefield area; and

Linda Wright (unnamed district) spoke in favor of the preservation of Buckland Mills core ground and supported the study of alternate transportation plans through New Baltimore.

No one else spoke. Mr. Downey moved to continue the public hearing and postpone a decision on this matter until the next regular Board meeting on December 14, 2006. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>Mr. Raymond E. Graham</i>
Abstention:	<i>None</i>

With no further business, the meeting was adjourned at 9:29 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on November 9, 2006.

Paul S. McCulla
Clerk to the Board of Supervisors